



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: January 18, 2023.

**MICHAEL M. PARKER
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§
	§ Case No. 21-50546-mmp
ELECTRO SALES & SERVICE, INC.	§
	§ Chapter 11
Debtor.	§

MR. W FIREWORKS, INC.,	§
Plaintiff,	§
	§
v.	§ Adversary No. 22-05045
	§
ELECTRO SALES & SERVICE, INC.,	§
and 2317 PINN ROAD INVESTMENT,	§
INC.	§
Defendants.	§

**ORDER GRANTING DEFENDANT 2317 PINN ROAD INVESTMENT INC.'S MOTION
TO SET ASIDE DEFAULT AND DEFAULT JUDGMENT**

BE IT REMEMBERED that on this date came on for consideration the *Motion of 2317 Pinn Road Investment Inc. to Set Aside Default and Default Judgment* (the “Motion”) and the Court having considered the Motion and the evidence presented and arguments of counsel made findings on the record which are incorporated herein pursuant to Rule 7052 of the Bankruptcy Rules of Procedure, specifically including, but not limited to the following:

1. Good cause exists to set aside the entry of default pursuant to Rule 7055 of the Bankruptcy Rules of Procedure.
2. 2317 Pinn Road Investment Inc.’s failure to answer or otherwise appear was not willful.
3. 2317 Pinn Road Investment Inc. has presented a possible meritorious defense to the claims set forth in Plaintiff’s complaint.

IT IS THEREFORE, ORDERED that:

1. The Clerk’s Entry of Default (ECF # 12) shall be and hereby is set aside and vacated.
2. The Default Judgment (ECF #21) shall be and hereby is set aside and vacated, and
3. 2317 Pinn Road Investment Inc. shall file its answer or other responsive pleading on or before 15 days from the date of entry of this order.
4. 2317 Pinn Road Investment Inc. shall pay the sum of \$5,500 to Plaintiff for its fees and costs associated with seeking the Default Judgement within 5 business days of entry of this order. This award and payment shall not prejudice Plaintiff from seeking additional fees at a later date.

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Approved as to form by:

THE LAW OFFICES OF RAY BATTAGLIA, PLLC.
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